

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Szafraniec et al.  
Serial No.: 10/046,521  
Filed: January 14, 2002  
For: TIME DIFFERENCE SYNCHRONISATION FOR DETERMINATION OF A PROPERTY OF AN OPTICAL DEVICE  
Notice of Allowance Date: June 21, 2004  
Examiner: Michael A. Lyons  
Group Art Unit: 2877  
Confirmation No.: 3471  
Customer No.: 27,623 Attorney Docket: 10010748

Mail Stop Issue Fee  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attention: Official Draftsperson

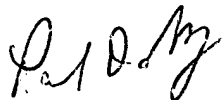
**CORRECTION OF INFORMALITIES**

Dear Sir:

In response to the informalities enclosed with the Notice of Allowability dated June 21, 2004, enclosed herewith is the formal drawing (1 sheet) for Figure 1 for the above-identified patent application.

Please charge any additional fees or credit any such fees, if necessary to Deposit Account No. **50-1078** in the name of Agilent Technologies, Inc.. A duplicate copy of this sheet is attached.

Respectfully submitted,



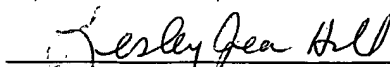
Paul D. Greeley  
Reg. No. 31,019  
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.  
One Landmark Square, 10th Floor  
Stamford, Connecticut 06901-2682  
(203) 327-4500

Date: September 13, 2004

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP ISSUE FEE, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON September 13, 2004.

Lesley-Jean Hill  
NAME OF PERSON MAILING PAPER

  
SIGNATURE

9/13/04  
DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT TRANSMITTAL FORM

Applicant(s): Szafraniec et al.

Serial No.: 10/046,521

Filed: January 14, 2002

For: TIME DIFFERENCE SYNCHRONISATION FOR DETERMINATION OF A  
PROPERTY OF AN OPTICAL DEVICE

Art Unit: 2877

Examiner: Michael A. Lyons

Confirmation No.: 3471

Customer No.: 27623

Attorney Docket No.: 10010748

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

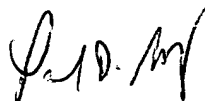
Dear Sir:

We are enclosing:

1. PTOL-85 (in duplicate)
2. Replacement Fig. 1
3. Statement on the Reasons for Allowance Under 37 CFR 1.104(e);
4. Transmittal letter in duplicate; and
5. Postcard.

Please charge the fee of \$1,630.00 and any additional fees or credit any such fees, if necessary to Deposit **Account No. 50-1078** in the name of Agilent Technologies, Inc. A duplicate copy of this sheet is attached.

Respectfully submitted,



Date: September 13, 2004

Paul D. Greeley  
Reg. No. 31,019  
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.  
One Landmark Square, 10<sup>th</sup> Floor  
Stamford, Connecticut 06901-2682  
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Lesley-Jean Hill  
NAME

  
SIGNATURE

9/13/04  
DATE



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Szafraniec et al.  
Serial No.: 10/046,521  
For: TIME DIFFERENCE SYNCHRONISATION FOR DETERMINATION  
OF A PROPERTY OF AN OPTICAL DEVICE  
Filed: 14 JAN 2002  
Examiner: Michael A. Lyons  
Art Unit: 2877  
Confirmation No.: 3471  
Customer No.: 27,623

Attorney Docket No.: 10010748

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants received a Notice of Allowance dated 21 JUN 2004, for the present application. The Notice of Allowance was accompanied by a Notice of Allowability dated 16 JUN 2004.

Page 2 of the Notice of Allowability includes an examiner's statement of reasons for allowance that states:

As for claims 1, 5, 6, and 11, the prior art of record, taken either alone or in combination, fails to disclose or render obvious a method and software program for the determination of an optical property of an optical device under

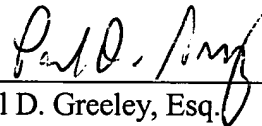
test, where the time-delay between the first signal, **the measurement signal from the measurement interferometer** and DUT, and the second signal, **the reference signal from the reference interferometer**, is compensated for...(emphasis added).

None of claims 1, 5, 6 and 11 recite either of (a) the measurement signal from the measurement interferometer, or (b) the reference signal from the reference interferometer. The inclusion of such recitals in the claims is not supported by the file history of the present application, and more particularly, during prosecution, there was no suggestion that the claims be restricted to include these recitals. Applicants respectfully submit that claims 1, 5, 6 and 11 should be entitled to their full scope of equivalents and that no file prosecution history estoppel be established based on the inclusion of these recitals in the examiner's statement of reasons for allowance.

Respectfully submitted,

9-13-04

Date



Paul D. Greeley, Esq.

Reg. No. 31,019

Attorney for the Applicants

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